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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/644,133

08/20/2003

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EXAMINER

SPITTLE, MATTHEW D

ART UNIT

PAPER NUMBER

2111

MAIL DATE

DELIVERY MODE

09/18/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 10/644,133	<b>Applicant(s)</b> KARAMATAS ET AL.	
	<b>Examiner</b> MATTHEW D. SPITTLE	<b>Art Unit</b> 2111	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 09 September 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: 1,4-10,12-19,21-25 and 28-30.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

/Clifford H Knoll/  
 Primary Examiner, Art Unit 2111

Continuation of 11. does NOT place the application in condition for allowance because: The Examiner would like to point out that if an interview is requested, the Applicant may fax form PTOL-413A to the Examiner's fax number (571)273-2467, including a brief description of the issues to be discussed.

Regarding Applicant's transverse of the 112 rejection, the Examiner notes that the "...even if..." limitation of the claims adds nothing to more precisely define the scope of the invention, and only clouds the issues. Even Applicant has admitted that, "...claims 1 and 25 do not actually claim that a "second node has a cache, memory, and at least one processor." Thus, the Applicant's intended metes and bounds of the claim are have become more unclear. The Examiner agrees with Applicant that "...the method still assigns the given interrupt to the first node..." And thus, the limitation fails to further limit, as Examiner has pointed out in the Final Rejection.

Regarding Applicant's comments with respect to the 101 rejection, the Examiner notes that the rejection refers to claims 1, 7, 16, 21, 25 and all of their depending claims.

Regarding Applicant's comments with respect to the claim objections, the Examiner again notes that the "...even if..." languages adds no additional functionality to the claim, and only serves to cloud the issues at stake. The Applicant, in short hand notation, has alleged that the prior art reads on if A then perform C and if A and B then perform D, however, has provided no explanation of what D represents, and thus the Examiner is unable to determine if the argument has merit.

Regarding Applicant's argument that, "if A and B then perform C" and "if A and not B then perform C", the statement is not the same as if A then perform C, the Examiner disagrees. If C occurs irregardless of the condition of B, then it is irrelevant to A. Again, the Applicant has argued that the prior art teaches "if A and B then perform D", but no explanation of what D represents has been provided. In short, if Applicant has claimed "If A then C", then this functionality MUST occur, regardless. The "even if" language adds nothing to the claim, or provides any additional limiting, since the act is already occurring.

Regarding Applicant's arguments with respect to the 103 rejections, the Applicant has argued, "...there is a very particular order to which interrupt assignment is performed in the invention..." The Examiner notes that there is no ordering constraint imposed by Applicant's broad claim language. Applicant appears to believe that the labeling of a "first node", a "second node", etc impose an ordering on the way that the interrupts are assigned, but they do not. The Examiner encourages Applicant to positively recite the particular ordering which is performed in the invention in the claim language, if such claim coverage is sought.

Regarding Applicant's arguments that Kiick does not disclose assigning interrupts and modifying interrupt assignments, the Examiner has already addressed this argument in the Final Office action, as reproduced here:

"Regarding Applicant's argument that Kiick does not disclose assigning interrupts and modifying interrupt assignments, the Examiner notes that Kiick assigns the servicing of interrupts by assigning an interrupt service routine to a particular processor. Thus, Kiick teaches assigning interrupts, as in paragraph 12, lines 2 - 5, paragraph 24, lines 10 - 13, and paragraph 32, lines 9 - 12. Note that Kiick even describes, as would be known to one of ordinary skill, to "re-distribute the interrupts to the new processors" in the aforementioned lines of paragraph 32. Thus, Kiick meets the limitation as claimed, given its broadest reasonable interpretation."

The Examiner is not persuaded that Kiick does not teach assigning interrupts and modifying interrupt assignments, when Kiick explicitly recites in paragraph 32, "...re-distribute (read: re-assign) the interrupts to the new processors..." With this near-identical language recited in the claims and the prior art, the Examiner cannot allow the claims.